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NEWS RELEASE

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Summary of Cases Accepted During the Week of December 19, 2011

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#11-143 *Estate of Giralдин, S197694.* (G041811; 199 Cal.App.4th 577; Orange County Superior Court; A240697.) Petition for review after the Court of Appeal reversed orders in a probate proceeding. The court limited review to the following issue: When the settlor of a revocable inter vivos trust appoints, during his lifetime, someone other than himself to act as trustee, once the settlor dies and the trust becomes irrevocable, do the remainder beneficiaries have standing to sue the trustee for breaches of fiduciary duty committed during the period of revocability?

#11-144 *People v. Le, S197493.* (B224042; 198 Cal.App.4th 1031; Los Angeles County Superior Court; GA074027.) Review on the court's own motion after the Court of Appeal reversed a judgment of conviction of criminal offenses. The court limited review to the following issue: In the absence of expert testimony or a stipulation that MDMA/Ecstasy was a controlled substance or an analog of a controlled substance, did the Court of Appeal correctly hold that substantial evidence did not support defendant's convictions?

#11-145 *Hillside Memorial Park & Mortuary v. Golden State Water Co., S197767.* (B225058; 199 Cal.App.4th 658; Los Angeles County Superior Court; C506806.) Petition for review after the Court of Appeal reversed a post-judgment order in a civil action. The court ordered briefing deferred pending further order of the court.

#11-146 *United Parcel Service Wage & Hour Cases, S197722.* (B227556; nonpublished opinion; Los Angeles County Superior Court;

JCCP4606.) Petition for review after the Court of Appeal reversed an order awarding attorney fees in a civil action. The court ordered briefing deferred pending decision in *Kirby v. Immoos Fire Protection, Inc.*, S185827 (#10-132), which presents the following issues: (1) Does Labor Code section 1194 apply to a cause of action alleging meal and rest period violations (Lab. Code, § 226.7) or may attorney's fees be awarded under Labor Code section 218.5? (2) Is our analysis affected by whether the claims for meal and rest periods are brought alone or are accompanied by claims for minimum wage and overtime?

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